

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER JP920020100US1 10/523347
INTERNATIONAL APPLICATION NO. PCT/JP03/07093	INTERNATIONAL FILING DATE June 4, 2003	PRIORITY DATE CLAIMED June 6, 2002
TITLE OF INVENTION DIGITAL CONTENTS DISTRIBUTION SYSTEM, DIGITAL CONTENTS DISTRIBUTION METHOD, PROGRAM FOR EXECUTING THE METHOD, COMPUTER READABLE RECORDING MEDIUM STORING THE PROGRAM THEREIN, AND SERVER AND CLIENT THEREFOR		
APPLICANT(S) FOR DO/EO/US International Business Machines Corporation		EV001687356US January 28, 2005

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and Other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and 21 indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ are attached hereto
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Unexecuted Declaration and Power of Attorney
21. ☒ Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. 1.137(b).

this collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

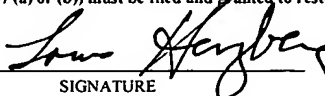
SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/523347		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER EV001687356US January 28, 2005	
21. The following fees are submitted:					
___ a) Basic National fee				\$ 300.00	
___ b) Examination fee				\$ 200.00	
___ c) Search fee				\$ 500.00	
TOTAL OF ABOVE CALCULATIONS =				\$1000.00	
Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
115-100	15/50 =		x \$250.00	\$ 75.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from earliest claimed priority date (37 CFR 1.49(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	18- 20 =	0	x \$50.00	\$ 0	
Independent claims	10 - 3 =	7	x \$200.00	\$ 1,400.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360.00		\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 00	
___ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$2,475.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from earliest claimed priority date (37 CFR 1.492(f)).				\$	
TOTAL NATIONAL FEE =				\$2,475.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31), \$40.00 per property +				\$	
TOTAL FEES ENCLOSED =				\$2,475.00	
				Amount to be refunded:	\$
				Amount to be charged:	\$

- a. ___ A check in the amount of \$_____ to cover the above fee is enclosed.
- b. XX Please charge my Deposit Account No. 09-0468 in the amount of \$3,975.00, \$2,475.00 to cover the filing fees and \$1,500.00 for the petition fee. A duplicate copy of this sheet is enclosed.
- c. XX The Commissioner is hereby authorized to charge any additional fee which may be required, or credit any overpayment to Deposit Account No. 09-0468. A duplicate copy of this sheet is enclosed.
- d. ___ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:


SIGNATURE

Louis P. Herzberg
NAME

41,500
REGISTRATION NUMBER

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)
JP920020100US1

First Named Inventor: Shimizu

International (PCT) Application No.: PCT/JP03/07093

U.S. Application No.:
(if known)

Filed: herewith

Title: Digital Contents Distribution System , Digital Contents Distribution Method,
Program for Executing the Method, Computer Readable Recording Medium Storing the
Program therein, and Server and Client Therefor

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

02/15/2005 KAYPAGH 00000055 090468 10523347

05 FC:1453 2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
Transmittal Letter to the U.S. Designated Office (identify type of reply):
for Filing Under 35 USC 371 and Preliminary Amendment

☐ has been filed previously on _____

☒ is enclosed herewith.

RECEIVED
17 AUG 2005
Legal Staff
International Division

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Louis Herzberg

Signature

Jan 27, 05

Date

Louis P. Herzberg

Typed or Printed Name

41,500

Registration Number, if applicable
(914) 945-2885

Thomas J. Watson Research Center, P.O. Box 218

Address

Telephone Number

Yorktown Heights, NY 10598

Address

- Enclosures: ☒ Response
☒ Fee Payment
☐ Terminal Disclaimer
☐ Other (please identify):

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Shimizu et al.

Docket No.: JP920020100US1

Serial No.:

Group No.:

Filed: HEREWITH

Examiner:

For: DIGITAL CONTENTS DISTRIBUTION SYSTEM, DIGITAL CONTENTS
DISTRIBUTION METHOD, PROGRAM FOR EXECUTING THE METHOD,
COMPUTER READABLE RECORDING MEDIUM STORING THE PROGRAM
THEREIN, AND SERVER AND CLIENT THEREFOR

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Alexandria, VA 22313-1450
Attn: DO/EO/US

EXPRESS MAIL CERTIFICATE

Express Mail Label Number EV001687356US

Date of Deposit January 28, 2005

I hereby certify that the attached paper or fee

Transmittal Letter to the United States Designated/Elected Office
(DO/EO/US) Concerning a Filing Under 35 U.S.C 371
Patent Application and 35 Sheets of Drawings
Petition for Revival of an International Application for Patent Designating
the U.S. Abandoned Unintentionally Under 37 C.F.R. 1.137(b)
International Publication No. WO 03/105421 A1
Information Disclosure Statement, PTO 1449 and copy of references cited
therein
Preliminary Amendment
Declaration and Power of Attorney (unexecuted)
Return Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Mail Stop PCT, Attn: DO/EO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Allison Berkman

(Name)

Allison Berkman

Signature

Note: Each paper must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g. complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.